

30 March 2017

Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Att: Marin Cooper
Acting Director, Sydney Region East

Our Ref: 2017/085100

Dear Mr Cooper

**Re: Request for a Rezoning Review – 2 Macpherson Street Warriewood
(PGR_2017_NBEAC_001_00)**

I refer to your letter dated 10 March 2017 advising that a Rezoning Review has been lodged with the Department. Thank you for seeking Council's views on the original Planning Proposal for 2 Macpherson Street, Warriewood.

Northern Beaches Council reiterates that the Planning Proposal application has not reasonably demonstrated why Pittwater Local Environment Plan 2014 (PLEP), being approximately 3 years old, should be amended. Justification sufficient to demonstrate the land capability of this site was inadequate to negate/disprove the land capability outcomes for this site under the *Warriewood Valley Strategic Review Report* to permit a number of dwellings on this site. I submit for your consideration, Council's assessment and its reasons for not supporting this application (see Attachment).

As requested, Council has reviewed the proposal and documents on the Department's website. Council confirms the proposal submitted for a Rezoning Review is the same proposal, as is the documentation, considered and rejected by Council on 31 January 2017.

Council would be happy to meet with the Planning Panel when it considers this Rezoning Review. In this regard, please contact Liza Cordoba on 9970 1150 to arrange the meeting.

Yours faithfully



David Kerr
Executive Manager Strategic Land-Use Planning

Council Submission

Rezoning Review Request –2 Macpherson Street, Warriewood

The basic premise of any Planning Proposal application is that supporting information justifying the strategic merit of the proposal, if not the specific merits of the subject site, will be submitted and duly validated. This is paramount to a planning authority's assessment in regard to the Strategic Merit Test or site-specific merit as described in the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016), of the Planning Proposal application.

The property is in Warriewood Valley and was part of a strategic study undertaken in 2011/12 by the former Department of Planning and Infrastructure in partnership with the former Pittwater Council. That study, entitled the *Warriewood Valley Strategic Review Report*, was endorsed by the former Director-General of Planning on 26 May 2013 and adopted by the former Pittwater Council on 12 June 2013. The Strategic Review identified land with potential for intensification of development based on a land capability assessment. A Developable Land Classification map, derived from the land capability assessment, confirmed that the subject site, 2 Macpherson Street Warriewood and known as "Buffer 1M", was classed Category F that ultimately resulted in this site, labelled as "Buffer 1M", to be prescribed with a "0" dwellings under Clause 6.3(3) of PLEP 2014. Category F is:

- Land below the Probable Maximum Flood plus Climate Change.
- Additional criteria incorporated during this assessment: Risk to life as a result of flood risk including unsafe flood evacuation, no flood warning is available, flood isolation/entrapment (beyond short durations) or vertical refuge is created, or
- Flood impacts off-site.

For this application, the Planning Proposal and its documentation did little to thwart the Category F classification of this site that, in effect, would demonstrate that the site is capable of accommodating dwellings. This statement is informed by Council's assessment and is appended for your consideration.

Supporting the proponent's Planning Proposal without demonstrating the land capability of the site is unfounded, and undermines evidence-based planning outcomes and importantly, the integrity of the endorsed Strategic Review Report.

Nonetheless, the *Warriewood Valley Strategic Review Report* afforded '...landowners to bring forward rezoning application supported by necessary studies', wherein further detailed information necessary to make an informed decision that answers two fundamental questions regarding this site, namely, its site capability:

- i. Is 2 Macpherson Street capable of having dwellings sited on the land?
- ii. If yes, then what is the maximum number of dwellings that can be accommodated on this land?

Accordingly, the information must refute the Classification F imposed on this land (by the Strategic Review) by providing a detailed assessment of flood impacts and behaviour as well as impact on biodiversity from the water cycle management regime as a result of making the land 'capable for redevelopment', being:

1. Details on the proposed cut and fill information, including clarification as to whether the site will be filled to 3.8m AHD (1% AEP plus climate change) or

4.3m AHD (Flood Planning Level plus climate change), that in turn facilitates assessment of the impacts on flood behaviour and biodiversity.

2. 'Difference' mapping to demonstrate any potential impacts upstream or downstream of the subject site as a result of the proposed fill, including the identification of an area in the vicinity of the subject site that could cater for displaced flood water, if necessary.
3. Application of the creekline corridor requirements in accordance with Council's *Warriewood Valley Urban Release Area Water Management Specifications* (2001). The Planning Proposal proposes to apply the NSW Office of Water riparian zone requirements being 20m (total width would be the channel width plus 40m, which is significantly different to the *Warriewood Valley Urban Release Area Water Management Specifications* (2001), which requires a total riparian corridor of 100m). The intention of the inner 50m of the creekline corridor is to convey the 1% AEP flood and accommodate rehabilitated vegetation to support the creekline corridor – reducing the extent of the creekline corridor on 2 Macpherson Street, Warriewood is likely to hinder flood conveyance and limit the further functions of the corridor.
4. Information regarding the flood velocity and volume to establish the level of hazard, including the potential time for evacuation. It is noted that the upgrade to Macpherson Street will raise the road to the 1% AEP (plus climate change) but does not provide for an evacuation route during a Probable Maximum Flood event.
5. A flood emergency response strategy catering for flood events up to the Probable Maximum Flood, including an isolation strategy to assess the risks associated with sheltering in place, including:
 - Anticipated isolation times.
 - The unpredictable nature of human behaviour during a flood including the desire to escape from a hazard when it is unsafe to do so.
 - Other secondary emergencies such as fires and medical emergencies that may occur in buildings isolated by flood water, noting that during a flood event it is likely that there will be a reduced capacity for emergency services to respond.
 - That there is no guarantee that rescue services will be available to residents sheltering during a flood due to the potential risk to the safety of the rescuers.

It is noted that should dwellings be permitted on the subject site, they would need to be two-storey dwellings to facilitate vertical refuge or shelter-in-place during a Probable Maximum Flood event (the detail of any potential future dwellings is not clear in the information submitted with the Planning Proposal).

6. Mapping clarifying the level of 'impact' in areas identified on Map 06 in the Ecology Report lodged with the Planning Proposal. Specifically, it is requested that the map identifies where vegetation is proposed to be removed and where vegetation is proposed to be modified. It is noted that this may affect the bushfire risk and require further assessment.
7. An amended indicative subdivision addressing Council's road and access requirements and removing all water management infrastructure (particularly the proposed water retention basins) from within the inner 25m of the creekline

corridor. The current proposal is inconsistent with the *Warriewood Valley Urban Release Area Water Management Specifications* (2001) and the approach enforced in the remainder of Warriewood Valley. Should the Planning Proposal proceed and subsequently be finalised, without the water management infrastructure being removed from the inner 25m of the creekline corridor, there would likely be ongoing costs and potential liability associated with Council owning and maintaining the water management infrastructure.

8. Information regarding water quality and stormwater management, and clarification as to whether sea level rise is proposed to be incorporated in flood planning.
9. Additionally, the Planning Proposal on this site has not addressed the:
 - Likelihood of significant flood impacts to other properties.
 - Significant increase in the development of flood prone land, given that the proposal to permit 22 dwellings is a significant increase to the zero dwellings currently allocated to this site.
 - Likelihood there is a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.
10. Inconsistency with Section 117 Direction 4.3 Flood Prone Land needs to be justified.

In conclusion, Council is not adversely opposed to developing 2 Macpherson Street so long as it has been demonstrated that the land is capable of redevelopment without risk to property or person. The Rezoning Review however, should not be supported by the Planning Panel as 2 Macpherson Street has not, to date, been reasonably found to be capable of accommodating a dwelling or a number of dwellings on the land. To support this proposal without such documentation is a negligent action.